IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 426 OF 2006
IN
CRI. APPEAL NO. 398 OF 2006

Shri Pradip Subrao Waghmare .. Applicant.

V/s.

State of Maharashtra .. Respondent.

Mr. D.C.Mishra for the Applicant.

Mr. D.R. More, APP for the Respondent State.

CORAM : D. G. DESHPANDE &
S. A. BOBDE, JJ.

DATED : 28TH JUNE, 2006.

P.C.:

1. Heard the learned Advocate for the Applicant Accused and learned APP for the Respondent State.

2. This is an application for bail. The Applicant accused is convicted u/s. 498A and 302 of I.P.C., and sentenced accordingly.

3. The case against the applicant accused is of burning his wife Sandhya, who was married to the accused on 10.05.2002.. The accused was demanding Rs. 50,000/- from Sandhya. She was assaulted and beaten up by the accused on 2/3 occasions. The complainant, the father of Sandhya, expressed his inability to pay Rs.

50,000/-. The accused was annoyed because his demands were not fulfilled. On 11.09.2004 the complainant was informed that his daughter Sandhya was burnt and died on the spot i.e. in the house of the accused. She had sustained burns on her face, stomach, chest, hands and legs. The defence of the accused was of total denial.

4. The learned counsel for the accused contended that this is a case of circumstantial evidence and no eye witness is there. The circumstances are the ill-treatment given to Sandhya by the accused and the deposition of her father cannot be relied on. Father has also stated about repeated demands of Rs. 50,000/- by the accused. When father of Sandhya went to bring her back, she was not sent by the accused till his demand was fulfilled. Sandhya was pregnant at that time. There is corroboration to this evidence of the father by the evidence of the sister of Sandhya by name Pramodini and Vikas, the maternal uncle of the deceased.

5. The trial court found that on the date of the incident Sandhya was residing with the accused and she was found dead due to throttling followed by burning. The presence of the accused is proved at his house at the relevant time though according to the accused he was at his work place. His clothes were seized. There was

kerosene to the bottom of his pant i.e. trouser. Kerosene was detected on the pant of the accused. Admittedly, the accused has raised a false plea of his presence somewhere else, which he could not prove. There is sufficient evidence on record to show that the kerosene was used to burn the body after Sandhya was dead due to throttling.

6. Therefore, no case for bail. The application for bail is rejected.

(D.G.DESHPANDE,J)

Dt.28.06.2006

(S.A. BOBDE, J)

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